

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARLENE PLASKETT, Individually and as)	
Special Administrator of the Estate of)	
JAMES "JAY" PLASKETT, Deceased,)	
)	
Plaintiffs,)	
)	
vs.)	CIVIL NO. 08-157-GPM
)	
UNION CARBIDE CORPORATION, et al.,)	
)	
Defendants.)	

ORDER

MURPHY, District Judge:

This matter is before the Court on a motion for leave to amend the notice of removal in this cause (Doc. 4), as well as a motion for remand to state court (Doc. 11). Pursuant to 28 U.S.C. § 1653, the motion to amend the notice of removal is **GRANTED**. However, while it appears from the allegations of the amended notice of removal that diversity of citizenship is complete, it also is clear from the record that this action has been removed more than one year after its commencement, in violation of 28 U.S.C. § 1446(b). Accordingly, the motion for remand of this case to state court is **GRANTED** and, pursuant to 28 U.S.C. § 1447(c), this case is **REMANDED** to the Circuit Court of the Third Judicial Circuit, Madison County, Illinois.

IT IS SO ORDERED.

DATED: April 22, 2008

S/G. Patrick Murphy
G. PATRICK MURPHY
United States District Judge